

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF PUERTO RICO**

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4 **WILFREDO SEGARRA-MIRANDA,**
5 **Plaintiff,**
6 **v.**
7 **JOSÉ DE JESÚS-GONZÁLEZ, et al.,**
8 **Defendants.**

Civil No. 10-1848 (GAG)

9
10 **ORDER**

11 This case appears before this court upon withdrawal of reference of a complaint initiated by
12 Plaintiff Wilfredo Segarra-Miranda in the U.S. Bankruptcy Court for the District of Puerto Rico.
13 (See Docket No. 1.) As trustee under Chapter 7 of the Bankruptcy Code, Plaintiff commenced
14 adversarial proceedings against Defendants, alleging, inter alia, fraudulent transfer, which is
15 remediable under 11 U.S.C. § 548(a)(1). (See Bankr. No. 09-00150, Docket No. 31.)

16 On August 11, 2010, Defendants Berríos & Longo Law Office, P.S.C., Sitka Enterprises,
17 Inc., and Longo-Quñones (“Movants”) moved for withdrawal of reference of Plaintiff’s complaint
18 from the bankruptcy court. (See Bankr. No. 09-00150, Docket No. 110.) Plaintiff opposed the
19 motion (see Bankr. No. 09-00150, Docket No. 124), and Movants replied (see Docket No. 2).

20 Pursuant to local bankruptcy rules, the bankruptcy court must refer an adversarial matter to
21 the federal district court if the right to a trial by jury applies; a party has made a timely demand for
22 trial by jury; and one of the parties does not consent to trial before the bankruptcy court. Bankr.
23 D.P.R. R. 9015-1(b)-(c).

24 Movants moved for a trial by jury on September 8, 2009, in connection with Plaintiff’s
25 complaint. (See Bankr. No. 09-00150, Docket No. 10.) The bankruptcy judge denied the motion
26 on August 23, 2010, finding no basis for a right to trial by jury under the Seventh Amendment to the
27 U.S. Constitution. (See Bankr. No. 09-00150, Docket No. 118.) There is an interlocutory appeal
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3 of that order pending in this court. (See Civ. No. 10-1973 (JAG).)

4 As the instant motion for withdrawal of reference (Docket No. 2) requires the existence of
5 a right to trial by jury, see Bankr. D.P.R. R. 9015-1(b), the court cannot address this matter without
6 prior resolution of the interlocutory appeal.¹ Accordingly, Movants' motion is unripe for
7 adjudication. See Lincoln House, Inc. v. Dupre, 903 F.2d 845, 847 (1st Cir. 1990).

8 In view of the foregoing, the court hereby **DENIES** Movants' motion for withdrawal of
9 reference (Docket No. 2) and **REMANDS** the instant case to the U.S. Bankruptcy Court for the
10 District of Puerto Rico.

11 **SO ORDERED.**

12 In San Juan, Puerto Rico this 22nd day of October, 2010.

13 *s/ Gustavo A. Gelpi*

14 GUSTAVO A. GELPI
15 United States District Judge
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28 ¹ The court also notes the existence of another interlocutory appeal pertaining to the bankruptcy court's subject-matter jurisdiction over Plaintiff's complaint. (See Civ. No. 10-1847 (CCC).)